

SENATE BILL 3529
By Ramsey

AN ACT to further regulate activities, businesses, or uses of property and business occupations and practices which are subject to regulation pursuant to Tennessee Code Annotated, Title 57, Chapter 5; Title 57, Chapter 6; Title 59, Chapter 8; Title 60, Chapter 1; Title 68, Chapters 201 through 221; or Title 69, Chapters 3, 8, 11 and 12 in the unincorporated areas of Johnson County.

WHEREAS, Johnson County has been growing at an accelerated rate during the last few years, having been impacted by wide-spread interest in recreational properties; and

WHEREAS, the continued expansion of development and growth in Johnson County represents both an extraordinary economic opportunity for Johnson County as well as a potential burden on the existing citizens and residents of Johnson County; and

WHEREAS, Johnson County, unlike almost all other counties of the state, may be defined by its unique geologic, hydrological and topographical characteristics; and

WHEREAS, the boundaries of Johnson County, unlike almost all other counties of the state, extend eastward to the easternmost boundary of Tennessee at the top of the Appalachian Mountains; and

WHEREAS, while the extreme elevations and steep slopes of the major part of the lands of Johnson County provide scenic vistas, such topography, unlike that of almost all other counties of the state, also substantially limits the property available for the growth and development vital to the economic well-being of the citizens and residents of Johnson County; and

WHEREAS, the geological and hydrological characteristics unique to Johnson County, including headwaters of numerous watercourses providing recreational opportunities as well as the source of household water absolutely necessary to sustain the people of Johnson County, are a rich resource; such resources require a higher standard of husbandry in order to protect

and preserve the lands, waters and the quality of life of the citizens and residents of Johnson County; and

WHEREAS, the county's present zoning authority is limited by state legislation and leaves some regulatory authority with state agencies located outside the county, which are not subject to local control, which imposes standards that do not necessarily reflect those deemed absolutely necessary to provide for the health, safety and general welfare of the citizens and residents of Johnson County; and

WHEREAS, Johnson County is prepared to impose fair, equitable and reasonable regulations on all activities, businesses, or uses of property and business occupations and practices including those which are subject to regulation pursuant to Tennessee Code Annotated, Title 57, Chapter 5; Title 57, Chapter 6; Title 59, Chapter 8; Title 60, Chapter 1; Title 68, Chapters 201 through 221; and Title 69, Chapters 3, 8, 11 and 12; and

WHEREAS, due to these unique circumstances, it is necessary and appropriate that Johnson County be given the authorization to extend its zoning power to enable the county to regulate all activities, businesses, or uses of property and business occupations and practices including those which are subject to regulation pursuant to Tennessee Code Annotated, Title 57, Chapter 5; Title 57, Chapter 6; Title 59, Chapter 8; Title 60, Chapter 1; Title 68, Chapters 201 through 221; and Title 69, Chapters 3, 8, 11 and 12; and

WHEREAS, there is precedent in the state of Tennessee for the zoning power to extend to activities, businesses, or uses of property and business occupations and practices which are subject to regulation pursuant to Tennessee Code Annotated, Title 57, Chapter 5; Title 57, Chapter 6; Title 59, Chapter 8; Title 60, Chapter 1; Title 68, Chapters 201 through 221; and Title 69, Chapters 3, 8, 11 and 12, such as in the case of municipalities generally; and

WHEREAS, the most logical and effective mechanism to accomplish the intended result would be the exercise of the zoning power by Johnson County on all activities, businesses or uses of property and business occupations and practices including those which are subject to regulation pursuant to Tennessee Code Annotated, Title 57, Chapter 5; Title 57, Chapter 6; Title 59, Chapter 8; Title 60, Chapter 1; Title 68, Chapters 201 through 221; and Title 69, Chapters 3, 8, 11 and 12; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Notwithstanding any provision of Tennessee Code Annotated, Title 5, Chapter 1, to the contrary, in addition to those powers granted to counties by Tennessee Code Annotated, Section 5-1-118, Johnson County, may, by the adoption of a resolution by two-thirds (2/3) vote of the Johnson County Commission, exercise those powers granted by Tennessee Code Annotated, Section 6-2-201 (22) and (23) by application of such powers to those activities, businesses or uses of property and business occupations and practices which are subject to regulation pursuant to Tennessee Code Annotated, Title 57, Chapter 5; Title 57, Chapter 6; Title 59, Chapter 8; Title 60, Chapter 1; Title 68, Chapters 201 through 221; or Title 69, Chapters 3, 8, 11 and 12.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Johnson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.